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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,946	07/07/2003	Kevin T. Connelly		6732

7590
Apollo Sunguard
4487 A Ashton Rd.
Sarasota, FL 34233

11/21/2005

EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3636

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/613946

EXAMINER

ART UNIT	PAPER
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20051115

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See Attachment.


Winnie Yip
Primary Examiner
Art Unit: 3636

ATTACHMENT

1. Applicant's election of species in the reply filed on September 7, 2005 is acknowledged. However, the response does not complete response the restriction requirement mailed last office letter mailed September 1, 2005 because applicant only elected a single specie in one group I. but did not elect a single specie in the other Group II. The restriction requirement stand granted.

2. The following is the reasons for the restriction requirement:

This application contains claims directed to the following patentably distinct species in different parts of the claimed invention:

a. In Group I, a first part, a means for fastening the canopy, applicant is required to elect a single disclosed specie in this Group I which is shown in: **Fig. 2A, or 2B, or 2C, or 2D;**

b. In Group II, a second part, a connection for connecting a bottom of the umbrella to a structure, applicant is also required to elect a single disclosed specie in this Group II which is shown in **Figs 1 and 3, or Fig. 4, or Fig. 5, or Fig. 7.**

Applicant is required under 35 U.S.C. 121 to elect a single disclosed specie **in each group** listed above for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. For example, elect Fig. 2A in Group I, and elect Fig 1 in Group II. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include **an identification of the specie that is elected** consonant with this requirement, and **a listing of all claims readable**

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thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Since the above mentioned reply appears to be *bona fide*, applicant is given a **TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).**

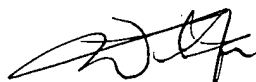
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Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
November 16, 2005